

EXHIBIT 169

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

Pursuant to 28 U.S.C. § 1746(2), Adam Greenberg hereby declares as follows:

1. I am over the age of eighteen and competent to testify.
2. I am Head of Legal and Public Policy for JAND, Inc. d/b/a Warby Parker (“Warby Parker”). I oversee Warby Parker’s legal, regulatory, governmental, and public policy affairs, including the impact of immigration law on Warby Parker employees. I have been employed by Warby Parker since March 2014.
3. Warby Parker employs more than 450 individuals in the State of New York; more than 1,200 in the United States; and more than 30 in Canada. Warby Parker’s employees work at the company’s corporate offices in New York, New York and Nashville, Tennessee; the company’s optical laboratory in Sloatsburg, New York; and the company’s retail locations in Alabama, Arizona, California, Colorado, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, Wisconsin, and Ontario, Canada.
4. Warby Parker was founded in 2010 upon a mission to offer designer eyewear at affordable prices and to act as a leader among socially conscious businesses. Our co-founders set out to prove that businesses can scale and be profitable while also making decisions that consider the interests of multiple stakeholders—our customers, employees, community, environment, and shareholders.
5. Consistent with our mission is the belief that everyone has the right to see. Two and a half billion people around the world need glasses but don't have access to them; of these, 624 million cannot effectively learn or work due to the severity of their visual impairment. To help address this problem, Warby Parker works with nonprofit partners and government agencies in the United States and abroad to ensure that for every pair of glasses we sell, a pair is distributed to someone in need (“Buy a Pair, Give a Pair program”). To date, we have distributed over 3 million pairs of glasses to people in need around the globe through our Buy a Pair, Give a Pair program.
6. In 2015, we expanded our Buy a Pair, Give a Pair program to include the distribution of glasses to public schoolchildren in New York City (“Pupils Project”). In partnership with the City of New York and the New York City Department of Education’s Office of Community Schools and Office of School Health, Pupils Project has provided free vision screenings—and for those who need them, free eye exams and free prescription glasses—to 65,000 low-income students in more than 130 New York City Community Schools during each of the 2015-16 and 2016-17 academic school years. We have expanded Pupils Project to cover almost double that amount during the 2017-18 academic school year. Pupils Project has undoubtedly benefited children and their families who have been granted, or who would have been eligible for, the protections afforded by the Deferred Action for Childhood Arrivals Program (“DACA”). We believe that almost half of the children who will be covered by Pupils Project during the 2017-18 school year come from families who recently arrived in the United States.

7. Additionally, we are aware of at least one Warby Parker employee who is a grantee under DACA. However, because we have a policy of not inquiring whether our employees are DACA grantees, it is possible that Warby Parker currently employs—or will in the future employ—other grantees. We believe it is also likely that Warby Parker has sold prescription eyewear to DACA grantees across the United States, and we do so proudly.
8. Since Warby Parker's founding, we have deliberately built an inclusive community of employees and customers who have diverse backgrounds and perspectives. We strive to build a community of individuals from all walks of life, both internally at our offices, stores, and optical laboratory and externally with our customers and Buy a Pair, Give a Pair recipients. And we continually strive for improvement by giving our various stakeholders a voice within our organization and exploring opportunities to support their diverse interests.
9. Our commitment to inclusion and diversity does not stop at individuals who were born in the United States. Several Warby Parker employees and their family members were born outside of the United States and immigrated to this country as children, including our co-founder and co-CEO Dave Gilboa.
10. We firmly believe that protecting the future of young, undocumented immigrants is vital to our country's economy. Dreamers represent the best of American society—for instance, many have started their own businesses and give back to their communities—and their continued contributions to this country are critical to a thriving economy.
11. The decision to end DACA will harm our customers, our employees, our business, and our community. We believe that protecting the future of Dreamers is good business for Warby Parker and organizations like us; and it is simply the right thing to do.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of September, 2017.

A handwritten signature in black ink that reads "Adam Greenberg". The signature is written in a cursive, flowing style.

Adam Greenberg